

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

OCT 3 1 2011  
JULIA C. DUDLEY, CLERK  
BY:  
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UNITED STATES OF AMERICA )      Criminal No. 5:05cr00015-1  
                              )  
v.                            )      2255 MEMORANDUM OPINION  
                              )  
NORWOOD WALLACE BARBER )      By: Samuel G. Wilson  
                              )      United States District Judge

Norwood Wallace Barber, a federal inmate proceeding *pro se*, filed a “motion to supplement to petitioner First Amendment petition article I for redress of grievances, pursuant under the United States Constitution for constitutional violations [sic]” (Docket No. 130). Inasmuch as Barber is challenging the validity of his federal conviction and sentence in his motion, the court construes the motion as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Upon review of the record, the court finds that the § 2255 action must be dismissed as successive.

I.

Barber challenges his life sentence for conspiring to distribute 50 grams or more of cocaine base, in violation o 21 U.S.C. § 846. Court records indicate that Barber previously filed a § 2255 motion regarding the same conviction and sentence which this court denied. See Docket Nos. 116 and 117. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Barber has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive §2255 motion, the court must dismiss his petition as successive.<sup>1</sup>

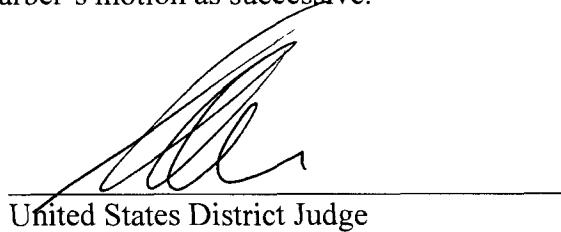
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<sup>1</sup> Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the

### III.

For the reasons stated, the court dismisses Barber's motion as successive.

ENTER: This 31<sup>st</sup> day of October, 2011.



A handwritten signature in black ink, appearing to read "John J. Gordan", is written over a horizontal line. Below the line, the text "United States District Judge" is printed in a standard font.

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successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.